

REMARKS

The Examiner rejected all claims under Section 102 in view of Margolis. Margolis described a hard book cover that takes the initial shape of a T-section but that is subsequently folded to cover and secure a bookbinding.

Applicant has cancelled Claims 1-4 in favor of new Claim 4. new Claim 4 now more precisely claims the applicant's invention, with added language to incorporate the ballot and ballot machine apparatus as limitations in the claim language. The description of the ballot and ballot machine apparatus in the Claim are necessary to limit the structure of the ballot secrecy sleeve.

Support for the added limiting language in new Claim 4 is found in the original Specification. Specifically support for the new claim language is found as follows:

The rectangular slot and left and right sides of the ballot machine is found at Page 6, lines 16-18.

The lower rollers were described at Page 7, line 2.

The cover was described at Page 6, line 15.

The free or lower end of the ballot is found at Page 7, line 1 and drawing Figure 1.

The ballot slipping through the sleeve was described at Page 7, line 5.

The shoulder located at the upper edge of the covers connecting the covers is found at Page 5, line 12. The lower edge being open is found at Page 5, line 15. The cut-out of the shoulder was described at Page 5, line 18; the upper flanges at Page 5, line 21.

The lower end of the sleeve being the same size as a ballot was described at Page 5, line 22-23; being shorter than a ballot at Page 6, line 1. The upper end of the sleeve being larger than the slot and the lower end of the sleeve being the size of the slot at Page 6, line 1-4. The limiting language found in the last paragraph of the Claim is supported at Page 6, line 13-16.

No new matter has been added.

The Examiner cited Margolis for the structure found in Claim 1. Margolis describes an initially t-shaped cardboard. However, it is apparent from reading Margolis that the T-shape of the cardboard is temporary in nature only. Margolis recites that the inner front and back panels 20 are folded over and “cemented to tabs 12.” (Margolis, Column 2, lines 1-2.) This procedure for the end product of Margolis results in a configuration without tabs or a T-shape. It is not the intention of Applicant to claim any T-shaped piece of material. Rather, Applicant’s new invention embodies a T-shape that is used in conjunction with a ballot and ballot machine.

The T shape of the instant invention is defined as a limitation in Claim 4 according to the dimensions and geometry of a ballot and a ballot slot on a ballot-tabulating machine. Since the ballot slot has left and right shoulders, the upper part of the sleeve must have left and right flanges to prohibit the sleeve from being fed into the machine’s rollers. Further, the length of the lower part of the sleeve must be less than the length of a ballot for the same reason. Unless the T-shape is limited to less than the length of the ballot, the ballot may not be fed into the machine’s rollers. This would defeat the purpose of the instant device entirely.

The Margolis patent teaches away from the instant device in that it teaches that the “flanges” (“tabs” as Margolis describes them) must be folded in and cemented so that the device in Margolis forms a rectangle without flanges. The instant device, as now set out in new Claim 4 describes permanent flanges that are wider than the slot of a ballot machine. This structural claim language is necessary to limit the T-shape to that described in Claim 4.

Similarly, the other patents cited by the Examiner do not anticipate or render obvious the device as now set out in new Claim 4. Small describes a device that has a general T shape, but Small has an open end that is wider than the shoulder end, a limitation now distinguished by new Claim 4. Additionally, Small requires that the insert be glued to the cover, a distinction that teaches away from the limitation in claim 4 that the ballot slide out of the sleeve and onto the rollers of the tabulating machine.

Heyer is similarly readily distinguishable from the instant device as now claimed. All of Heyer’s tabs (13 in the Heyer

patent) are folded inwardly, thus eliminating the T shape in the final form. This folding in of the tabs teaches away from the required flange embodiment now described in Claim 4.

Bridges does have a T shape in the final form, but the T shape is in a vertical end orientation and does not create a "flat" sleeve as now described in Claim 4.

It is respectfully submitted that new Claim 4 is in condition for allowance.

Respectfully submitted

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A handwritten signature in black ink, appearing to read "Don Weber", is positioned below the typed name.